1: Grigson G-5 (1927-1934) 1949
AW32 Gond AW32
Hill Maria
Bison Horn Maria

674 very few serious disputes arise in Abujhmar, where a
murder is extremely rare and due usually to some suspicion of
572 black magic. The Bison-horn Maria, on the other hand, is subject to sudden fits of blind rage, especially after he has been taking large quantities of his intoxicating gruel, *landa*, which is anathema to the Hill Marias. In that state he will seize any weapon that comes to hand, whether it be his wife's heavy rice pestle, a log of wood, an axe or a bow and arrow, and murder for the most trivial of reasons; the State Jail at Jagdalpur has always a high percentage of Bison-horn Marias doing time for homicide. He also is capable of nursing his revenge for a long time; a recent example was given by a strapping Bison-horn Maria from Palnar, who, after serving twelve years of a commuted death sentence, soon after his release took the first chance of picking a quarrel with a man whom he considered deliberately to have let him down by not giving evidence in his defence twelve years before, and battered his head in with a heavy bamboo stick. The Bison-horn Maria will in his fury declare an implacable enmity by stalking round his foe's house three times, either plucking straws from the thatch, or whistling the peculiar *su'i* whistle, or throwing some of his own pubic hairs at the house; and murder is the inevitable result. There were twenty-seven murder trials in Bastar between 1917 and 1923, and in eighteen of them the murderers were Bison-horn Marias, but only two of the murders were committed by Hill Marias. About half the Bison-horn Maria murders are committed in *landa* intoxication, and almost the same proportion in sudden fits of rage about nothing; for example, wives often are killed when the husband dislikes his food or it is not ready for him; one even lost her life for refusing to cook for her husband when he woke up hungry in the middle of the night. But there are on record Bison-horn Maria murders committed for all the ordinary sordid and criminal murder motives; the Bison-horn Maria is a man of far stronger feelings
[158] than the Hill Maria. The former actually runs amuck on occasion like the Malay; in two such cases the offender pleaded that he suffered from fits and ran amuck under the delusion, in the one case, of pursuit and, in the other, of possession by evil spirits and of the
628 imminence of a new rebellion. Cain indeed wrote in 1876 that 'blood revenge' had hardly died out in the Godavari valley, and was said to be 'in full exercise' in Bastar. The only apparent case of a hereditary vendetta of which I am aware occurred in Orcha, a Hill Maria village, where a grandfather and his son were murdered at long intervals for suspected witchcraft, while the grandson conveniently fell off a sago-palm tree as soon as he was old enough to claim the hereditary post of *pargana* headman.
692 There is a strong feeling everywhere of an eye for an eye and a tooth

1: Grigson G-5 (1927-1934) 1949
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for a tooth; but nowadays this is generally satisfied by invoking the police and the courts. But distances are great in Bastar, and in the rains, when the early hill grains are ripe, communications are bad; often the villagers conspire to hush up a murder or leave it to those affected to take their own direct action, rather than disorganize agricultural work by the troubles of a long police enquiry followed by committal proceedings and a sessions trial.

It is a relief to return from this darker side of the Bison-horn Maria's character to the light-heartedness of all Marias, but especially the Hill Maria. An engaging feature of this is his readiness to burlesque himself. A village *gaita* (headman) at Tondawada set the whole camp in fits of laughter by his description of his first vain attempts to use a pair of bullocks in the plough, mimicking himself pulled hither and thither by these wild-cat animals; at Hikul I was treated to a similar comic representation of what would happen if a Maria attempted to milk a cow. They are quick to seize on any foibles or peculiarities of individuals, without respect of persons, and have a happy knack of inventing apposite nicknames; this trait is common throughout the State, where there are nicknames for almost every State official current among all the primitive tribes, while few of the leading Hindu and Mohammedan settlers are referred to by their true names.

Frankness and honesty are still as characteristic as ever of the hill men and the wilder Bison-horn Marias, and many a man arraigned for homicide will state in court perfectly frankly why it was essential to kill his victim and how it was done. I have very seldom found any hesitate to answer any questions, even about the most intimate domestic matters. The Bison-horn Maria, however, being, at least in the open tracts, more sophisticated, is inclined to be suspicious; and he certainly is learning the ways of the courts, and how to defeat a justice administered on the evidence and not according to the facts; many know, for example, that the death penalty may be escaped if you can convince your judge that you murdered your victim because you believed him to be bewitching you. But in general a Maria witness can still be relied upon to speak the truth, although it involve his dearest relatives or himself in trouble; and the occasional pleader from British India is soon hopelessly at sea if he tries his usual methods of cross-examination even on a Bison-horn Maria who knows Halbi. Fortunately, the restoration of the criminal and civil jurisdiction of the village and *pargana* panchayats will considerably reduce Maria experience of the law courts. The Hill Maria never has had much recourse to them, petty theft being almost unknown and murder rare. His attitude may to some extent be gauged by the following example.

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Chapter XVII

Village, Clan and Pargana Authorities and Panchayats; their Executive Authority; their Judicial Authority and Methods; Property and Inheritance; Position of Women; the Recent State Orders Restoring Judicial Authority to Panchayats

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One of the most remarkable features of the Bastar of 1927 was the extent to which tribal, village and caste *panchayats* still regulated the religious and social life of the people, acted as intermediaries between them and the State and its zamindaris in meeting State demands for taxes, labour and supplies and in protecting the ryots from undue exactions, and exercised much *de facto* criminal and civil jurisdiction. Here ready to hand was the nucleus of an organization which, if properly handled and fostered, could in time save the State much money spent on law and justice, police and general administration. But the opposite policy had consciously or unconsciously been followed. Any exercise of criminal jurisdiction, even in petty crop theft cases, had been regarded as usurpation of the authority of the police and courts, and persons who had already made ample amends under tribal custom were arrested and sentenced all over again by the tahsildars, while headmen and elders not infrequently were punished for not reporting the offences. A badly trained police, often singularly lacking in common sense, would descend on a village and waste days in pointless investigation of petty cases, expecting not only to be fed on rice, mutton and poultry by the villagers during their stay, but also to be provided with stores of grain under the old *bisaha* system to take away with them at the end of the investigation. Villagers would be compelled to carry the supplies thus forcibly taken from them to the police station, perhaps two or three days' march distant, and would rarely be given even the nominal payment prescribed under the old *bisaha* rules. Then would follow a protracted trial at the still more distant tahsil headquarters, ten witnesses being summoned where three or four would have been ample; and probably all these witnesses at the end of the trial would have to accompany the police party back to the police station to carry their impedimenta, and might be kept even longer as '*athpaharia begar*' labourers to clean the police office and lines and do domestic work for the constables.

1: Grigson G-5 (1927-1934) 1949
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The civil matters ordinarily decided by the *panchayats* would be marriage cases, such as settling the compensation to be awarded to a husband when his wife had eloped with another man. But tahsildars would entertain complaints under the sections of the Indian Penal Code punishing adultery from a husband dissatisfied with the *panchayat's* decision, and thereby undermine yet further the authority of the *panchayat*. I have in an earlier chapter referred to the effect of the unconscionable demands for forced labour and supplies on the position of the village headmen, and shown how in consequence the tendency was to put forward a dummy as the headman for secular matters, the real leadership of the village remaining with the religious headman, that is to say, the *kasyeq-gaita* in the case of the Hill Marias, and the *perma* in that of the Bison-horn Marias, but the dummy being available to bear the brunt of official wrath, though powerless to effect anything without the consent of the village elders. Formerly, there seems little doubt, the *kasyeq-gaita* and the *perma* also discharged the functions of the secular headman; the differentiation of the two functions was the result of the State officials' treatment of the aboriginal. In many Abujhmar villages the functions are still combined, or are held by members of the same family, because State officials were always loath to penetrate into the interior of the Hill Maria country. With the revival of the authority of the headmen and *panchayats* that is now the policy of the State, it may be expected that gradually the religious headmen will resume the secular headmanship also.

It is not surprising that, as the result of these methods of dealing with the aboriginals, their *panchayats* tended to co-operate as little as possible with the State; their object became to conceal crime from the police and in general to comply with State requirements only so far as was necessary in order to avoid trouble, and, above all, visits of subordinate State officials to their villages. The records of murder and other trials show many cases of the village elders meeting and deciding to hush up a crime, especially if it had occurred at harvest or any other busy agricultural season, rather than have the whole life of the village community disorganized by police investigation, committal proceedings and Sessions trial. Such crimes may have come to light later through the *panchayat* reporting them at their own convenience, or through the widow or other relative of a murdered man being dissatisfied with the compensation which the murderer had been ordered to give, while in some *parganas* informers arose who subsequently used their supposed prestige with the police to become petty local tyrants. Conversely on occasions *panchayats*, disgusted with the failure of the police to investigate thefts or with the acquittal of guilty persons by the

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623 692 tahsildars, took the law into their own hands and had the thieves killed.

Purely social matters, breaches of caste or tribal prejudices, were left by the State to the jurisdiction of caste *panchayats* and of the caste headmen, appointed for nearly all Hindu and semi-Hindu castes in the State by the Ruling Chief in the tahsils and by the zamindars for their own zamindaris; after the first appointment these offices tended to become hereditary in the family of the person appointed, the succession having to be recognized by the Ruling Chief, from whom the headmen of leading castes would receive a turban as insignia of office. A register of these headmen is kept, and appeals from their decisions in caste *panchayat* in social matters lie direct to the Ruling Chief, this power during the long minority of the late Maharani of Bastar having been exercised on her behalf by a relative of hers who manages the State temples at Jagdalpur. But the State never appointed caste headmen for Hill or Bison-horn Marias, who retained their own tribal customs in these matters, and whose *panchayats* did not, like those of Hindu castes, deal only with social matters, but also with petty crime and with the administration and agricultural management of the villages and clans, as well as their relations with the officers of the State. To some extent the Murias were in the same position; but in certain areas caste headmen had been appointed for them, and they had learnt to defer to the Palace as the ultimate arbiter in social matters, while great numbers of their villages had been granted to alien lessees who asserted their own authority and belittled that of the traditional headmen and *panchayats*.

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622 623 692 A text for the enquiries which I had made into the *panchayats* of the Marias was the following passage from the appendix to the chapter on caste (Chapter IX, p. 239) in Marten's 1911 *Central Provinces and Berar Census Report*:—

'The following account of the tribal council of the Maria Gonds of South Chanda has been sent in by the Manager of the Ahiri estate, and is worth quoting almost in full. Every genuine Maria village has a village headman or *patel*, called the *Gaita*. In addition to his office as a *gaita* he generally exercises also the hereditary functions of a *Bhumia* or religious headman of the village. This dual office used formerly to be held as a rule by one and the same man in the village, and, with a few exceptions here and there owing to poverty or loss of influence on the part of the *Bhumia*, it is still so held in the majority of cases. The man enjoying the double office is therefore the patriarch of the whole village community, and his authority in the village (or a group of two or three villages) under him is supreme. This post is hereditary. The caste has not a standing Panchayat or governing body. It is called together when required. But the system prevailing in the caste is far more developed and is in certain respects more far-reaching than the ordinary Panchayat system prevailing in other castes. The village *Gaita*, on receiving a report of a misdemeanour or other occurrence in the village, calls two or three elders of the village together—the number is not fixed, nor is it necessary to call the

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same man every time—sends for the complainant and the accused, and after hearing the parties decides the case with the help of the village elders, who as a rule agree with his decision.

The jurisdiction of the village panchayat is confined to the village itself, and a local village panchayat is never referred to for the decision of a case by persons at a distance. A group of about 50 to 100 villages is constituted into what is locally called a *patti*, and this *patti* acknowledges the authority of the chief religious and social headman of the group, who is called the *Sendhia*. The *Sendhia* is the chief priest and judge of the *patti*. Every marriage contracted, every case of social misdemeanour involving the penalty of a fine, and every other social and religious function performed in any village of the *patti* yields the *Sendhia* a fixed fee in cash, ranging from Rs. 2 to Rs. 10, and in some exceptional cases up to Rs. 50. The office of the *Sendhia* is also hereditary, and the *Sendhia* is the dominant authority in the *patti*. The authority of the *Sendhia* (for purposes of a Panchayat) is invoked only in exceptional cases involving the interests of a number of villages, and in such cases the decision of the *Sendhia* on an appeal being made to him by or against a village panchayat (or a number of village panchayats) is final. For purposes of a panchayat therefore each *patti* forms a distinct unit, the internal composition of which is as follows :—

(a) Each village holds its own panchayat composed of a few village elders and presided over by the village headman (*gaita*).

(b) Each group of villages acknowledges the authority of the *Sendhia*, who is the court of appeal for difficult or intricate intra-communal disputes.

(c) Each *Sendhia's patti* is, as a rule, a compact block of country, sharply defined by prominent natural geographical boundaries (a range of hills, a large river or a nullah), and the *Sendhia's* authority is confined to his own *patti*.

The affairs of one *Sendhia's patti* are never referred to a *Sendhia* of another *patti*. Each *patti* is known by its local geographical name (such as the Lahiri *patti*, the Vennasagar *patti*, the Jarawandi *patti*, the Ghat *patti*, and so forth), and each *patti* is the sole undisputed domain of the local *Sendhia*. The only remarkable case of an exception to this general rule that occurred within the memory of living man was during the cold weather of 1909 at the village of Kotmi, which belongs to the Vennasagar *patti*. A Maria's daughter of the village eloped with a Mussalman. The local village panchayat took a feast from the father of the girl, and fined him an amount adequate enough for the dues of the *Sendhia*. The *Sendhia* demanded more and censured the village panchayat for having let the man off with a light amount. The village panchayat considered the *Sendhia's* demands to be exorbitant, and threatened to alienate themselves from him and to invoke the aid of a foreign *Sendhia*. This was too much for the *Sendhia*, who directly excommunicated the whole village panchayat. The panchayat therefore sent for the *Sendhia* of Judt, who naturally refused to affiliate the village to his *patti*, but, seeing the difficulties of the case, agreed to purify the culprit for a small fee, which was paid to him. He performed the necessary ceremonies and reclaimed the unfortunate father of the girl. Thereupon the whole *patti* of Vennasagar rose against the village of Kotmi, and threatened to use violence. This caused some uneasiness to the police, who began sending in reports. The Manager of the Ahiri estate went to the spot, and his camp was immediately besieged by about a hundred *Gaitas* of the *patti*, headed by the *Sendhia*, who clamoured for justice. Their complaint was that the village people of Kotmi had set a bad example, and that the people of the *patti* would know no rest till they (the Kotmi people) got themselves purified by the *Sendhia*. The Marias of Kotmi were, on their part, too obstinate to yield, and with great difficulty the Manager succeeded in effecting a compromise by prevailing upon the *Sendhia* to reduce his demands. He agreed ultimately to give absolution for a nominal amount, which was paid by the girl's father, and thus ended in a merry drinking bout what threatened to be a small civil war. The next

1: Grigson G-5 (1927-1934) 1949
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632 692 morning the *Sendhia* repeated the necessary spells, and, collecting together all the *Gaitas* of the *patti* with the Kotmi fellows, sprinkled fresh well water over their heads and declared Kotmi as re-affiliated to his *patti*.

'This specific instance illustrates not only the great power exercised by the *Sendhia* in his *patti* but also the fact that it is impossible for a village to alienate itself from a *patti* or to disregard the authority of a *Sendhia*.'

632 The South Chanda *patti* thus described seems to be very like the clan-*pargana* of the neighbouring Bastar Hill Marias, though much larger, if the figure of from 50 to 100 villages in each *patti* is correct. Actually, however, the *patti* probably includes several clan-areas or, at all events, villages of several clans, though I have not been able to make any enquiries in Chanda. The designation *Sendhia* is used in the Bhopalpatnam zamindari of Bastar for the headmen appointed by past zamindars over the local Naikpod, Kapewar, Barod and Dolod (Pardhan) castes; among Bastar Marias, however, the term appears to be used only in the Kutru Mar *pargana*, of which Arki Burga of Jegur, a village south of the Indrawati, was in 1930 the hereditary *sendhia*. But his sole function was the reclamation of any Maria guilty of a breach of social rules, and he had no other rights or authority, nor was his presence essential in any *panchayat* except one convened to deal with cases of outcasting. He was in no sense a headman of the *pargana*, and had none of the authority of the *sendhia* of Chanda or the *parganis majhi* or headman of the Maria and Muria *parganas* of Antagarh, Kondagaon, Jagdalpur and Dantewara tahsils in Bastar. In fact, there were no *pargana* headmen for the Kutru Mar and Bhairamgarh Mar *parganas* of Kutru zamindari, the *gaita* of the parent or principal village of a clan being the nearest approach to a *pargana* headman; when Arki Burga was asked to become *pargana* headman he refused; the little actual influence he possessed over the Kutru Mar *pargana* was shown by the fact that he had left the *pargana* to live at Jegur. The headmen of the Hill Maria *parganas* of Antagarh tahsil are sometimes called *sethia*.

632 622 In the two Hill Maria *parganas* of Kutru the village *gaita* is often still both religious and secular headman. The clans are small, and their villages not always contiguous. The *gaita* of the parent village may not actually decide all cases from each of the other villages, but he can interfere with the decisions of the *gaita* and elders of the other villages, and the latter often refer cases to him; for the decision of such cases he sits in *panchayat* with the *gaitas* of all the other villages of his clan. Examples of these small clan groups are the Gumelor villages of Dunga, Pariakot and Goti in Bhairamgarh Mar and the Mohanda villages of Lakka, Puslakka and Bhuri in Kutru Mar; of the former group the headman of Pariakot is the head *gaita*, though Dunga is the parent village, for the ancestor of

1: Grigson G-5 (1927-1934) 1949
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the family and clan to which she goes as a bride. She may elope with another man, but he must compensate the first husband. She must work for her husband, having his meals ready in the home or taking them to him in the field when he wants them, gathering forest fruits and roots, and doing her appointed work in the fields; many a woman has paid with her life by exasperating her tired husband by not having his food ready or by cooking it badly. She is not a full human being like a man. She is taboo when menstruating; she may not sleep in the field when the crops are ripening; she is debarred from attending at the festivals and *pandum*; she has no special dancing dress. Yet with all this she has not too bad a position. As a girl she has considerable freedom both in pre-marital sexual life and in the choice of a husband, and she is fairly free to leave her husband if he ill-treats her, or if he cannot beget a child. Tribal sentiment strongly condemns wife-beating. Her natural taste for ornament is given full scope, her parents gradually collecting beads and metal neck and arm rings, her boy-companion presenting her with beads and carved hair-combs, and her husband when she is married recognizing her right to spend a few of the scanty pice she earns from the sale of her basketry at the bazaar on simple trinkets. She participates in the tribal dances and songs, though not in the religious ceremonies that accompany them. In fact her position *vis-a-vis* her husband is far freer than that of the ordinary Hindu wife. Above all, she is not exposed to the evil of child marriage and premature motherhood, of which habits of their Hindu neighbours Maria headmen will speak with abhorrence.

Such in brief and imperfect outline are the main principles governing tribal law and custom, and the main features of the old village and tribal headman and *panchayat* organization. No attempt has been made in this chapter to draw any clear-cut distinction between the ways of the Hill and the Bison-horn Marias; in actual practice both treat such matters in much the same way, the main distinctions being (*a*) that the primitive clan organization is stronger and the authority of the headmen more limited by that of elders among the Hill Marias, and (*b*) that the Bison-horn Maria has been more in contact with the outer Hindu world than the Hill Maria.

The recent State Order restoring jurisdiction to Panchayats

Under the State Order framed in 1932 by my successor, the regular criminal courts of the State have been deprived of jurisdiction over the primitive tribes in cases of certain public nuisances, simple hurt and assault, thefts (except of cattle), of property worth Rs. 5 or less, mischief, trespass, house-trespass, bigamy, adultery and

1: Grigson G-5 (1927-1934) 1949
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692 623 enticing a married woman from her husband.[1] The civil courts have been deprived of jurisdiction in claims for civil damages arising out of these criminal offences, and in simple money, grain and cattle claims up to Rs. 25 in value. All such cases are to be dealt with by the village *panchayat*, the convening of which and the selection of the elders of which are left to the village headman. No particular lines have been laid down to regulate procedure; the *panchayats* are not allowed to impose more than Rs. 25 as a fine, though in marriage cases they may allow marriage expenses up to Rs. 50, while corporal, barbarous or degrading punishments are prohibited; and the village *kotwar* or watchman at his periodic visits to the police station has to report the results of cases decided by the *panchayats* of his villages since his last visit. Any person dissatisfied with a decision of the village headman and elders can appeal within a month to the *pargana* headman, who is assisted by a *panchayat* of four headmen chosen every year by the assembled headmen of the villages of the *pargana* before the tahsildar. Though no orders were issued to regulate the disposal of fines, the headmen are encouraged to spend them on village improvements, save where tribal custom prescribes a tribal feast as part of the penalty.

623 There has not as yet been time enough to judge the success of this attempt to restore authority to the headmen and elders. In some parts the *panchayats* appear to be working surprisingly well on the whole; in some they either have little work to do or else have not won the confidence of the tribes through not having the right men as members, or perhaps through a weak man having been made headman in the old days and not yet having been ousted by the religious headman or the natural leader of the village; a few have had to be superseded, and the jurisdiction of the ordinary courts restored, because they were tampered with by Hindu and Mohammedan traders in adjacent market villages; here foreign influence had perhaps already gone too far towards detribalizing the village life. Obviously a good deal depends on the personality of the *pargana* and village headmen, and on the unobtrusive sympathy and watchfulness of the State officials; regular inspection and interference would, of course, be fatal to the success of what is largely an attempt to defend the tribes from the visits of the petty official. In the Abujhmar hills and the parts of Dantewara and Jagdalpur tahsils which I visited in 1934, the headmen and elders greatly appreciated the relief which the orders had given from the burdens of police and court investigations, and the *pargana* headmen were taking their appellate duties seriously and fairly soundly. It

[1] The actual Penal Code sections are 277, 290, 323, 334, 341, 352, 354, 355, 379, 380, 426, 447, 448, 494, 497, 498 and 504.